

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

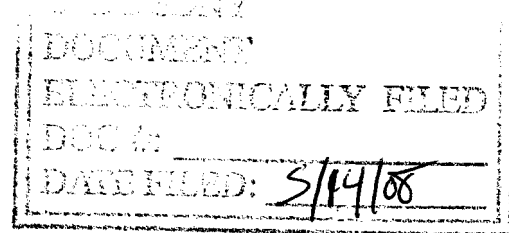
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DONOVAN HOWARD,

Plaintiff,

-against-

MUNICIPAL CREDIT UNION, et al.

Defendant.
-----X



: 05 Civ. 7488 (LAK) (DF)

: **ORDER**

DEBRA FREEMAN, United States Magistrate Judge:

The Court has received Plaintiff's Notice of Motion, dated April 26, 2008 (Dkt. 58), requesting that he be provided with a transcript of a pre-trial conference held in this action on March 6, 2006.¹ The Court has located a tape recording of that conference. If Plaintiff wishes to obtain a duplicate tape or a written transcription of the tape's contents, he should make a request directly to the Court's Audio Visual Service,² which will then obtain the tape from the Court for copying or transcription.

The Court notes, however, that if Plaintiff wishes to obtain a transcription of the tape, he will need to pay the usual transcription fee, as his *in forma pauperis* status does not afford him the right to obtain transcripts of Court proceedings without charge. *See* 28 U.S.C. § 1915. Nor does the Court believe that there are exceptional circumstances here that warrant deviation from this usual rule. The Court's records show that, at the conference at issue, which was held over

¹ Although, in his motion papers, Plaintiff variously identifies the date of the conference as March 6, 2003, March 3, 2006 and March 6, 2008, the Court assumes that Plaintiff is requesting a transcript of the conference that was held on March 3, 2006, as no conference was held on either of the other two dates.

² Together with this Order, the Court will send Plaintiff a copy of a transcript order form, which may be filled out and returned directly to the Court's Audio Visual Service.

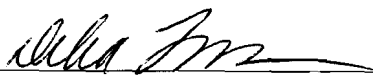
Copies mailed 5-15-08
Chambers of Magistrate Judge Freeman

two years ago, the Court stayed discovery pending the outcome of a then-pending motion by Defendant for summary judgment. After that time, Plaintiff amended his Complaint; Defendant moved to dismiss the Amended Complaint; and Plaintiff's claims were dismissed with leave to file a further amendment, although no further amendment has yet been filed. If Plaintiff timely files a further amended pleading, then this Court will hold a new case management conference and determine whether it is appropriate for discovery to resume.

To the extent Plaintiff's motion may be construed as seeking the recusal of the undersigned, the motion is denied for the same reasons set forth in Judge Kaplan's Order dated May 12, 2008.

Dated: New York, New York
May 14, 2007

SO ORDERED


DEBRA FREEMAN
United States Magistrate Judge

Copies To:

Hon. Lewis A. Kaplan, U.S.D.J.

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